

APPENDIX D: REGULATIONS RELATING TO FOREST MANAGEMENT

The list below contains state and federal regulations that relate to activities associated with forest management. Local laws and ordinances can be obtained from municipal offices. This is only a summary of laws and their provisions for your information. No warranty, expressed or implied, is made regarding the accuracy, adequacy, completeness, legality, reliability or usefulness of any information contained in this publication. To be certain of the accuracy of summaries, please consult the official language of the law that is listed.

Department employees shall not be held liable for any improper or incorrect use of the information contained in this publication. In no event shall the State of Wisconsin, the Department or Department employees be liable for any direct, indirect, incidental, special, exemplary, or consequential damages however caused and on any theory of liability, whether in contract, strict liability, or tort (including negligence or otherwise) arising in any way out of the use of this publication. Other regulations may also apply.

WISCONSIN LAWS

WISCONSIN STATE STATUTES

Wisconsin State Statutes can be viewed at www.legis.state.wi.us/rsb/stats.html.

Chapter 26, Wis. Stats. – Protection of Forest Lands and Forest Productivity

- **S. 26.03, Wis. Stats.** – Harvest of raw forest products. Requires that any person cutting a forest product from a private forest file a cutting notice with the county clerk prior to any harvesting.
- **S. 26.05, Wis. Stats.** – Timber Theft Elements of civil timber theft citation.
- **S. 26.06, Wis. Stats.** – Enforcement, seizure and sale of materials. Provides for seizure of forest products from state lands and penalties for transporting knowingly stolen timber.
- **S. 26.09, Wis. Stats.** – Civil liability for unauthorized cutting, removal or transportation of raw forest products.

- **S. 26.12 (6), Wis. Stats.** – Any slash which falls into or is deposited in a lake or stream, when harvesting timber or other forest products, shall be immediately removed if, in the opinion of the department, such removal is in the public interest.
- **S. 26.205, Wis. Stats.** – Tractors, spark arresters. Provides for standards for tractors and similar equipment necessary to prevent forest fires.
- **S. 26.30, Wis. Stats.** – Forest insects and diseases; department jurisdiction; procedure. Provides for various authorities to the Wisconsin DNR for forest insect and disease controls and establishment of zones of infestation control.
- **S. 26.35 and 26.38, Wis. Stats.** – Forest grant program. Establishes the authority for the Wisconsin DNR to provide grants to private landowners for sustainable forestry practices.

Chapter 28, Wis. Stats. – Public Forests

- **S. 28.05(1), Wis. Stats.** – Timber Sales; State Forests. Requires that cutting shall be limited to trees marked or designated for cutting by a forester.
- **S. 28.11(6)(b)2., Wis. Stats.** – Administration of County Forests. Requires that timber sale presale appraisal methods and procedures shall be approved by the Wisconsin DNR.
- **S. 28.21, Wis. Stats.** – Municipal Forests. In a municipal forest registered with the Wisconsin DNR, no trees shall be cut except those marked or designated for cutting by a Wisconsin DNR forester.

Chapter 29, Wis. Stats. – Wild Animals and Plants

- **S. 29.601 (3), Wis. Stats.** – Prohibits throwing or depositing any deleterious substances, including oil, tar, refuse, debris, decayed wood, sawdust, and sawmill refuse, into waters of the state.
- **S. 29.604, Wis. Stats.** – Endangered and threatened species protected. Establishes regulations for endangered and threatened wild animals and plants. Exempts forestry practices from regulations regarding endangered and threatened wild plants.

Chapter 30, Wis. Stats. – Navigable Waters, Harbors and Navigation

- **S. 30.12, Wis. Stats.** – Structures and deposits in natural waters. Requires permits to deposit material and place structures on the bed of navigable waterways.
- **S. 30.123, Wis. Stats.** – Bridges and culverts. Requires permits for the construction of bridges and culverts over navigable waterways.
- **S. 30.18, Wis. Stats.** – Withdrawal of water from lakes and streams. Requires permits and establishes standards for diverting water from lakes and streams.
- **S. 30.19 (1g)(3), Wis. Stats.** – Requires permits for grading or removing more than 10,000 square feet of topsoil from the banks of navigable waterways.
- **S. 30.195, Wis. Stats.** – Changing of stream courses. Requires permits for changing the course or straightening navigable streams.
- **S. 30.20, Wis. Stats.** – Removal of Material from Beds of Navigable Waters. This section regulates the removal of material from the beds of navigable lakes, and both navigable and non-navigable streams.
- **S. 30.26, Stats.** – Wild Rivers. This section designates certain rivers as wild rivers, thereby preserving them in a free flowing condition, and protecting them from development. It also directs the Wisconsin DNR to provide active leadership in the development of a practical management policy and to work with local governments, U.S. Forest Service, timber companies, county foresters, and private landowners in implementing land use practices to accomplish these management objectives.
- **S. 30.27, Wis. Stats.** – Urban rivers grant program. Identifies the Lower St. Croix River from the dam near St. Croix Falls to its confluence with the Mississippi River as a river to include in the National Wild and Scenic Rivers Program and directs the department to establish zoning standards.

- **S. 30.29, Wis. Stats.** – Operation of motor vehicles in water prohibited. Prohibits the operation of motor vehicles in any navigable waters, except for agricultural uses (including forest management) or when the water is frozen.
- **Ss. 30.40-30.49, Wis. Stats.** – Establishes the Lower Wisconsin Riverway.

Chapter 59, Wis. Stats. – Counties

- **S. 59.69 (4) (a), Wis. Stats.** – A county may not enact an ordinance which prohibits a forestry operation that is carried out in accordance with generally accepted forestry management practices as defined in S. 823.075, Wis. Stats. See Chapter 823, Wis. Stats. and Chapter NR 1, Wis. Admin. Code for more information.

Chapter 60, Wis. Stats. – Towns

- **S. 60.61 (2) (a) 1., Wis. Stats.** – A town may not enact an ordinance which prohibits a forestry operation that is carried out in accordance with generally accepted forestry management practices as defined in S. 823.075, Wis. Stats. See Chapter 823, Stats. and Chapter NR 1, Wis. Admin. Code for more information.

Chapter 61, Wis. Stats. – Villages

- **S. 61.35, Wis. Stats.** – A village may not enact an ordinance or adopt a regulation which prohibits a forestry operation that is carried out in accordance with generally accepted forestry management practices as defined in S. 823.075, Wis. Stats. See Chapter 823, Wis. Stats. and Chapter NR 1, Wis. Admin. Code for more information.

Chapter 62, Wis. Stats. – Cities

- **S. 62.23 (7) (b), Wis. Stats.** – A city may not enact an ordinance or adopt a regulation which prohibits a forestry operation that is carried out in accordance with generally accepted forestry management practices as defined in S. 823.075, Wis. Stats. See Chapter 823, Stats. and Chapter NR 1, Wis. Admin. Code for more information.

Chapter 77, Wis. Stats. – Taxation of Forest Croplands/Managed Forest Land

- **Chapter 77, Subchapter I, Wis. Stats.** – Taxation of forest croplands. Provides for sound forest management of private forests through production of forest products with public hunting and fishing as extra public benefits, through deferred taxation and just tax revenue to the towns.
- **Chapter 77, Subchapter VI, Wis. Stats.** – Managed forest land. Successor to the Forest Crop Law. Provides for the management through sound forestry practices of private forests for the production of future forest crops for commercial use, recognizing the objectives of individual property owners, compatible recreational uses, watershed protection, development of wildlife habitat and accessibility of private property to the public for recreational purposes.

Chapter 94, Wis. Stats. – Plant Industry

- **Ss. 94.67-94.715, Wis. Stats.** – Addresses the sale, handling and use of pesticides.

Chapter 157, Wis. Stats. – Disposition of Human Remains

- **S. 157.70, Wis. Stats.** – Burial sites preservation. Establishes the regulations related to the preservation of burial sites.

Chapter 160, Wis. Stats. – Groundwater Protection Standards

Establishes protection standards for groundwater to regulate pesticides and other polluting substances in groundwater.

Chapter 281, Wis. Stats. – Water and Sewage

- **S. 281.20, Wis. Stats.** – Orders; nonpoint source pollution. Authorizes the department to order the abatement of nonpoint source pollution.

Chapter 287, Wis. Stats. – Solid Waste Reduction, Recovery and Recycling

- **S. 287.07, Wis. Stats.** – Prohibitions on land disposal and incineration. Establishes standards for proper disposal of lead acid batteries, waste oil, tires, slash, and other materials.

Chapter 292, Wis. Stats. – Remedial Action

- **S. 292.11, Wis. Stats.** – Hazardous substance spills. Requires notification of state and local authorities of spills of hazardous substances.

Chapter 323, Wis. Stats. – Emergency Management

- **S. 323.60, Wis. Stats.** – Hazardous substance information and emergency planning. Establishes the authorities of the division of emergency management on hazardous spills and how other units of government respond.

Chapter 343, Wis. Stats. – Operators' Licenses

Regulates commercial drivers licenses for persons driving commercial motor vehicles, defined under 340.01(8), Wis. Stats., used for commercial transport of bulk pesticides (hazardous materials) and forest products.

A copy of the CDL manual is available from:

Wisconsin Department of Transportation
Division of Motor Vehicles, Bureau of Driver Services
P.O. Box 7917, Madison, WI 53707-7917

Phone: 608-266-2237

Wisconsin CDL Hotline: 800-242-2514

Chapter 348, Wis. Stats. – Vehicles: Size, Weight and Load

- **Ss. 348.17, 349.15 and 349.16, Wis. Stats.** – Special or Seasonal Weight Limitations. No person shall operate a vehicle in violation of special weight limitations imposed by state or local authorities on particular highways, highway structures, or portions of highways when signs have been erected giving notice of such weight limitations.

Chapter 823, Wis. Stats. – Nuisances

- **S. 823.075, Wis. Stats.** – Actions against forestry operations. A forestry operation is not a nuisance if the forestry operation alleged to be a nuisance conforms to generally accepted forestry management practices. See S. NR 1.25 Wis. Admin. Code – Generally accepted forestry management practices.

WISCONSIN ADMINISTRATIVE CODE

Wisconsin Administrative Codes can be viewed at www.legis.state.wi.us/rsb/code.htm.

Copies of the above laws and rules are available from:

Wisconsin Department of Administration Document Sales Unit

P.O. Box 7840, Madison, WI 53707-7840

Phone: 608-266-3358

Chapter ATPC 29, Wis. Admin. Code – Pesticide Use and Control

Provides standards for use, storage, sale, and commercial application of pesticides.

Chapter ATPC 30, Wis. Admin. Code – Pesticide Product Restrictions

Provides standards for use, storage, sale, and commercial application of pesticides.

Chapter ATPC 31, Wis. Admin. Code – Groundwater Regulatory Rule

Provides standards for use, storage, sale, and commercial application of pesticides.

Chapter ATPC 33, Wis. Admin. Code – Pesticide Bulk Storage

Provides standards for use, storage, sale, and commercial application of pesticides.

Chapter NR 1, Wis. Admin. Code – Natural Resources Board Policies

- **Ss. NR 1.21-1.213, Wis. Admin. Code** – Private forestry assistance, cooperative forestry policy, private forestry priorities for assistance, cooperating forester program. These rules address the administration of the private forestry assistance program to private, non-industrial landowners under Ss. 26.35, 28.01 and 28.01, Wis. Stats., and establish priorities for servicing private forestry requests and a cooperative program with consulting foresters.

- **S. NR 1.24, Wis. Admin. Code** – Management of state and county forests. Establishes the Natural Resources Board's broad management objectives for the management of state and county forests.
- **S. NR 1.25, Wis. Admin. Code** – Generally accepted forestry management practices. Defines "generally accepted forestry management practices" to be forestry management practices that promote the sound management of a forest and includes those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines (PUB-FR-226). Defines "sound management of a forest" to mean sustainably managing a forest with the application of ecological, physical, quantitative, managerial, economic, and social principles to the regeneration, management, utilization, protection and conservation of forest ecosystems to meet specified wildlife habitat, watershed, aesthetics, cultural and biological goals and objectives while maintaining the productivity of the forest.
- **S. NR 1.26, Wis. Admin. Code** – Contracting with cooperating foresters for timber sale establishment. Establishes the criteria and requirements for contracting with cooperating foresters on state timber sales.

Chapter NR 27, Wis. Admin. Code – Endangered and Threatened Species

Contains standards for the take, transportation, possession, or sale of any wild animal or wild plant on the department's lists of endangered and threatened wild animals and wild plants.

Chapter NR 37, Wis. Admin. Code – Lower Wisconsin State Riverway Aesthetic Management Specifications for Cutting and Harvest of Timber

Establishes management specifications for timber harvesting in Lower Wisconsin Riverway.

Chapter NR 40, Wis. Admin. Code – Invasive Species Identification, Classification and Control

- Creates a comprehensive, science-based system with criteria to classify invasive species into two categories: “Prohibited” and “Restricted.”
- With certain exceptions, the transport, possession, transfer and introduction of Prohibited species is banned.
- Restricted species are also subject to a ban on transport, transfer and introduction, but possession is allowed, with certain exceptions.

The Wisconsin DNR may issue permits for research or public display of any listed invasive species. For species other than invasive fish and crayfish, permits may also be issued for any other purpose.

Chapter NR 46, Wis. Admin. Code – Forest Tax Program
Establishes all rules and regulations for the Forest Crop Land program and the Managed Forest Land program.

Chapter NR 47, Wis. Admin. Code – Forestry Grant and State Aid Administration

Provides for the implementation and administration of grants and state aid programs pertaining to forestry and forest resources in the state including Wisconsin’s Forest Landowner Grant Program.

Chapter NR 80, Wis. Admin. Code – Use of Pesticides on Land and Water Areas of the State of Wisconsin
Establishes regulations for the application of pesticides to land and waters of Wisconsin.

Chapter NR 103, Wis. Admin. Code – Water Quality Standards for Wetlands

Provides wetland water quality standards and procedures for permitting activities within wetlands.

Chapter NR 107, Wis. Admin. Code – Aquatic Plant Management

Establishes procedures for the management of aquatic plants and control of other aquatic organisms.

Chapter NR 115, Wis. Admin. Code – Wisconsin’s Shoreland Management Program

Contains the statewide minimum standards for county shoreland zoning ordinances, including the management of shoreland vegetation.

Chapter NR 116, Wis. Admin. Code – Wisconsin’s Floodplain Management Program

Establishes standards for floodplain zoning ordinances.

Chapter NR 117, Wis. Admin. Code – Wisconsin’s City and Village Shoreland-Wetland Protection Program

Requires cities and villages to adopt shoreland-wetland zoning ordinances, including provisions regarding silvicultural activities. Provisions for counties are found in Chapter NR 115, Wis. Admin. Code.

Chapter NR 118, Wis. Admin. Code – Standards for the Lower St. Croix National Scenic Riverway

Contains standards for municipal zoning ordinances on the Lower St. Croix River to maintain its scenic characteristics.

Chapter NR 151, Wis. Admin. Code – Runoff Management

Establishes runoff performance standards and practices designed to achieve water quality standards.

Chapter NR 216, Wis. Admin. Code – Storm Water Discharge Permits

Provides criteria for activities requiring storm water permits.

Chapter NR 302, Wis. Admin. Code – Management of Wisconsin’s Wild Rivers

Provides standards for the management of state-designated wild rivers, including timber harvesting standards.

Chapter NR 320, Wis. Admin. Code – Bridges and Culverts In or Over Navigable Waterways

Establishes permitting standards for bridges and culverts.

Chapter NR 706, Wis. Admin. Code – Hazardous Substance Discharge Notification and Source Confirmation Requirements

Requires the hazardous spills be reported to the department and that actions be taken to contain, clean-up, and properly dispose of the hazardous substance.

FEDERAL LAWS

The United States Code (U.S.C.) Code of Federal Regulations (CFR) can be viewed at:

- (U.S.C.) www.gpoaccess.gov/uscode/
- (CFR) <http://ecfr.gpoaccess.gov/>

Copies of Federal Acts (Either complete CFR Volumes or single copies of daily Federal Registers) can be purchased from:

**Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402
Phone: 202-512-1800**

Complete CFR Volumes also can be acquired from:

**U.S. Government Bookstore
Suite 150, Reuss Federal Plaza
310 West Wisconsin Avenue, Milwaukee, WI 53203
Phone: 414-297-1304**

Bald Eagle Protection Act, 16 U.S.C., Section 668
Establishes regulations protecting Bald Eagles, including restrictions on disturbing nesting activity.

Clean Water Act (CWA), 33 U.S.C., Sections 1251-1376
Establishes standards for permitting wetland alterations, including an exemption for normal silvicultural activities, including forest roads if certain design, location and use standards are satisfied.

**Commercial Driver's License (CDL) Standards
CFR, Title 49, Part 383**

Comprehensive Environmental Response Compensation and Liability Act (CERCLA), CFR, Title 40, Parts 300-302
For information on CERCLA, call **800-424-9346**.

Endangered Species Act (ESA), 7 U.S.C. Section 136, 16 U.S.C. Section 1531

Establishes regulations for federal endangered and threatened wild animals and plants.

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), CFR, Title 40, Parts 152-186

For information on FIFRA, call **703-305-5805**.

Hazard Communication Standard (HCS), CFR, Title 29, part 1910.1200

For information on HCS, call OSHA's regional office at **312-353-2220**.

Hazardous Materials Transportation and Training, CFR, Title 49, parts 171-177

For information on hazardous material transportation or training requirements, call **202-366-6121**.

Lacey Act, 16 U.S.C., Sections 3371-3378

Regulates the illegal transport of animals and timber across state and international borders.

Migratory Bird Treaty Act (MBTA), CFR, Title 16, Parts 703-712

Establishes protections for migratory birds, including protections for harvesting during nesting seasons.

Resource Conservation and Recovery Act (RCRA), CFR, Title 40, Parts 260-281

For information on RCRA, call **800-424-9346**.

Superfund Amendments and Reauthorization Act (SARA), CFR, Title 40, Parts 300-374

For information on SARA, call **800-424-9346**.

Workers Protection Standard (WPS) for Agricultural Pesticides, CFR, Title 40, Part 170

For information on WPS, call **703-305-7666**.